

Panaji, 12th September, 1985 (Bhadra 21, 1907)

SERIES II No. 24

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/6/83-PER

Whereas Shri A. R. S. Murthy, Deputy Secretary (Project), Ministry of Irrigation, Government of India, was appointed as Chief Engineer (Irrigation) in this Administration w.e.f. 7-11-83 (B.N.) vide Government order No. 3/6/83-PER dated 9-11-83.

2. And whereas Shri A. R. S. Murthy will retire on superannuation on 31-8-85 (A.N.).

3. Now, therefore, the Administrator of Goa, Daman and Diu is pleased to direct, consequent upon retirement of Shri Murthy, Chief Engineer (Irrigation), Shri B. V. Kanolkar, Superintending Engineer in the Irrigation Department to hold the current charge of the post of Chief Engineer (Irrigation) in addition to his own duties, until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th August, 1985.

Corrigendum

No. 12/3/84-PER

Read: Order of even number dated 30-1-1985.

The designation of Shri E. B. S. Kossambe mentioned in the above cited order as Executive Engineer, P. W. D. may now be corrected as Asst. Engineer, P. W. D.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 4th September, 1985.

Education Department

Order

No. 12-6-82-Edu/I

- Read: 1) Govt. Order No. 12/6/82-WET-I dated 10-9-1982
 2) Govt. Order No. 12/6/82-WET-I dated 9-8-1983
 3) Govt. Order No. 12/6/82-WET-I dated 20-9-1984
 4) Govt. Order No. 12/6/82-WET-I dated 20-4-1985
 5) Principal, Goa College of Engineering letter No. Archs/staff/Appt/85/65 dated 19-8-1985.

In partial modification of Government Order No. 12/6/82-WET-1 dated 20-4-1985 extending the period of deputation of Shri D. B. Lall, Asstt. Professor of Architecture of Goa College of Engineering, upto 31-3-1986, Government is pleased to relieve Shri D. B. Lall of his duties in the said post in Goa College of Engineering with effect from 30-8-1985 (A.N.).

2. He is directed to report to the Chief Engineer, P.W.D. to assume his duties in the post of Architect in P.W.D. on his relief from the above post.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. N. Accawade, Under Secretary (Education).

Panaji, 29th August, 1985.

Revenue Department

Notification

No. 22/110/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of approach road, ground level reservoir and pump house at Bambolim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector (3-North), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (3-North), Panaji.

3. The Executive Engineer, Works Division III (PHE), PWD, Panaji.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Deputy Collector (3-North), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Tiswadi	Cujira	5 (part)	-	U. B. S. Kenkre and Brothers. North: Survey No. 5/0 & Land already acquired by PWD. South: Survey No. 5/0 (Land already acquired by PWD). East: Survey No. 5/0 (Land already acquired). West: Survey No. 5/0.	962.00
	Calapur	110 (part)	-	U. B. S. Kenkre and Bros.	544.00
		111 (part)	-	U. B. S. Kenkre and Bros. North: S. No. 5/0 of village boundary of Cujira & S. No. 111/0 of Calapur. South: S. No. 111/0 & Road. East: Land already acquired by P.W.D. and S. No. 112/0. West: S. No. 110/0 and S. No. 111/0.	860.00
Total					2366.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th August, 1985.

Notification

No. 22/19/85-RD

Whereas by Government Notification No. 22/19/85-RD dated 13-3-1985, published on pages 37 & 38 of Series II, No. 4 of the Official Gazette, dated 25-4-85, it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land acquisition for laying of addl. conveying main from Curti to Panaji addl. land in village Calapur.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector, H. Q. 2, Collectorate of Goa, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector, H. Q. 2, Collectorate of Goa, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Tiswadi	Calapur	423	19 part	Comunidade of Calapur.	319.00
		521	18 part	Comunidade of Calapur.	10.00
Total					329.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st August, 1985.

Notification

No. 22/235/84-RD

Whereas by Government Notification No. 22/235/84-RD dated 2-11-84 published on pages 553-555 of Series II, No. 31 of the Official Gazette dated 6-11-1984 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. Construction of Dist. D3 of S.I.P. in Margao City of Salcete Taluka.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act are made applicable and that the Collector appointed under paragraph 2 below shall at any time on expiry of 15 days

from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act take possession of the said land.

Now therefore the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, SIP, Sanguem, to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Special Land Acquisition Officer, SIP, Sanguem till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Holding No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Salcete	Margao City	302	4/1 P	H: Comunidade of Aquem. T: Maria Vitoria Cunha.	536.00
			4/2	H: Comunidade of Aquem.	56.00
			4/3 P	H: Comunidade of Aquem. T: Maria Vitoria Cunha.	352.00
		305	4/O	H: Comunidade of Aquem.	52.00
		301	2/1 P	H: John Gomes.	519.00
			2/4 P	H: Diniz Gomes.	9.00
			2/5 P	H: Maria Gomes.	63.00
			2/6	H: Diniz Gomes.	106.00
			2/7	H: Maria Gomes.	139.00
			2/8	H: Diniz Gomes.	38.00
			2/9 P	H: John Gomes.	187.00
			2/15 P	H: Rosario Rodrigues.	19.00
		302	3 P/O P	H: Alex Piedade Gomes. 2. Maria Gomes. 3. Diniz Gomes. 4. John Gomes. 5. Domingo Santano Gomes.	425.00
		301 & 302	1/1	H: Domingo S. Gomes.	75.00
			1/2 P	H:	106.00
			1/3 P	H: Maria Gomes.	144.00
			1/4 P	H: Rosario Rodrigues.	84.00
			1/7	H: Maria Gomes.	27.00
			1/8	H: Domingo S. Gomes.	44.00
			1/9 P	H: John Gomes.	44.00
			1/15 P	H: Maria Gomes.	44.00
			1/16 P	H: Lucy Piedade Gomes.	103.00
			1/17	H: Maria Gomes.	106.00
			1/18	H: Diniz Gomes.	88.00
			1/19	H: Maria Gomes.	93.00
			1/20	H: Domingo Santano Gomes.	70.00
			1/21	H: Maria Gomes.	43.00
			1/22	H: Domingo Santano Gomes.	37.00
			1/23	H: Maria Gomes.	144.00
			1/24	H: Domingo S. Gomes.	100.00
			1/25	H: Maria Gomes.	105.00
			1/26 P	H: Domingo S. Gomes.	50.00
			1/28 P	H: John Gomes.	630.00
			1/29 P	H: Joaquim Santano Dias.	53.00
			1/30 P	H: Rosario Rodrigues.	311.00
			1/31	H: Luis Piedade Gomes.	125.00
			1/32	H: Rosario Rodrigues.	125.00
		301	54/1 P	H: Rosario Rodrigues.	37.00
			54/6 P	H: John Baptista.	312.00
			54/7	H: Maria Gomes.	131.00
			54/8	H: Luis Piedade Gomes.	94.00
			54/9 P	H: Maria Gomes.	62.00
			54/14 P	H: John Baptista.	344.00
			54/15	H: Domingo S. Gomes.	50.00
			54/16	H: Rosario Rodrigues.	44.00
		301	54/17	H: Cosma Pereira.	112.00
			54/18	H: Rosalina Rodrigues.	106.00
			54/19 P	H: John Baptista.	44.00
			54/23 P	H: — do —	381.00
			58 P/O	H: Comunidade of Aquem.	443.00
			34/0	H: a) Luis Piedade Gomes.	96.00
		301R	33 P/O	H: a) Cosma Pereira.	250.00
		301	36/0	H: a) Maria Gomes.	100.00
			35 P/O	H: a) Domingo Santano Gomes.	200.00

1	2	3	4	5	6
Salcete	Margao City	301	52/1 P	H: Comunidade of Aquem. T: Bablo Soma Gavande.	1943.00
			52/2 P	H: Comunidade of Aquem. T: Miss Piedade Gomes.	1.00
			57/17 P	H: Comunidade of Margao. T: Dumena Gomes.	31.00
		291	9/2 P	H: Comunidade of Margao. T: Josinho Peixoto.	81.00
			9/3 P	H: Comunidade of Margao. T: Constancio Gomes.	243.00
			9/4 P	H: Comunidade of Margao. T: Josinho Peixote.	458.00
			9/5 P	H: Comunidade of Margao. T: Dioguinho Peixote.	1300.00
			9/6 P	H: Comunidade of Margao. T: Defelinho D. Rodrigues.	706.00
			9/7 P	H: Comunidade of Margao. T: Antona Fernandes.	681.00
			9/8 P	H: Comunidade of Margao. T: 1. Silvestria D'Silva. 2. Avelina Dias.	2687.00
			9/9 P	H: Comunidade of Margao. T: 1. 2. Florinda Cruz.	2587.00
		291	5 P/	H: a) Sadananda G. Borkar.	394.00
			2 P/	H: a) — do —	1025.00
			1 P/	H: a) — do —	200.00
		283	1/1 P	H: Comunidade of Aquem. T: Maria Francisca Fernandes.	3525.00
			1/2 P	H: Comunidade of Aquem. T: Tukaram.	575.00
		272	16 P/	H: a) Comunidade of Aquem.	3263.00
			21 P/	H: a) Alfredo Rodrigues.	1888.00
			19 P/	H: a) Francisco Xavier Gomes.	1656.00
		272R	12 P/	H: a) Sebastiao Bonamia.	2481.00
		272	11 P/	H: a) Sebastiao Bonamia.	706.00
			18 P/	H: a) Comunidade of Aquem.	1713.00
		281	1/13 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	1772.00
			1/12 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	922.00
			1/11 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	356.00
			1/10 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	475.00
			1/9 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	306.00
			1/14 P	H: Comunidade of Margao. T: Camilho.	88.00
			1/15 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	83.00
			1/16 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	12.00
			1/5 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	250.00
			1/7 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	381.00
			1/6 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	363.00
			1/5 P	H: Comunidade of Margao. T: Shivram Narayan Kochkar.	319.00
			1/4 P	H: Comunidade of Margao. T: Laxman Narayan Morajkar.	19.00
			1/1	H: Comunidade of Margao. T: Pundolik Ganesh Vaddekar.	2248.00
			1/18	H: Comunidade of Margao. T: Vishnu Ganesh Morajkar.	838.00
			1/19	H: Comunidade of Margao. T: Rosario Francisco Joao Pereira.	931.00
			1/20	H: Comunidade of Margao. T: Camilho.	556.00
			1/21	H: Comunidade of Margao. T: Caitano Gonsalves.	619.00
			1/22	H: Comunidade of Margao. T: Bela Flora Rodrigues.	4607.00
			1/23	H: Comunidade of Margao. T: Santano Piedade Timotio.	369.00
			1/24	H: Comunidade of Margao. T: Estevao Barreto.	231.00
			1/25	H: Comunidade of Margao. T: Santan Piedade Timotio.	113.00
			1/26	H: Comunidade of Margao. T: Esteven Barreto.	13.00
			1/0	H: a) Maria Fernandes.	69.00

1	2	3	4	5	6
Salcete	Margao	4 Part/O 2(P)/O 1(P)/O	H: a) Rosette Ana Maria Alvares e Britto. H: a) Dwarkabai Mola Raikar. H: a) Minino Consesao Fernandes.	444.00 419.00 181.00	
Total					53,186.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 7th August, 1985.

Notification
No. 22/170/83-RD

Whereas by Government Notification No. 22/170/83-RD dated 7-12-83 published on pages 458-461 of Series II, No. 39 of the Official Gazette, dated 29-12-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of approach road to Nerul Bridge on Nerul side.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Add. Dy. Collector (HQ-1) & L.A.O., Collectorate, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector (HQ-1) LAO, Collectorate, Panaji, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	4	5	6	
Bardez	Nerul	12	1 part	O: Govind Satu Sinai Varti. Other rights Sifarass Vales.	100.00	
			2	O: Jose Maties Fernandes.	110.00	
			3	O: Jose Antoni D'Souza.	95.00	
			4	O: Maria Conceicao Rodrigues.	16.00	
			5 part	O: Prabhakar Kamat Mhamai.	2065.00	
			6	O: Lia Leborata Antonaneir Lopes Costa.	500.00	
			13	12 part	O: Demaciano Simoes.	175.00
					T: Suria Krishna Kalangutkar.	
			14	4 part	O: Domaciano Simoes.	1225.00
					2: Caetano Simoes.	
			15	16 part	O: Subhash Narayan Bhobe.	130.00
				14 part	O: Arjun Masso Kalangutkar.	37.00
				2: Vinayak Kalangutkar.		
				3: Krishna Sonu Naik.		
			17 part	O: Damodar Anant Senvi Bhobe.	75.00	
				2: Subraya Sinai Bhobe.		
		8	1 part	3: Venkatesh Bhagwant Bhobe.		
				O: Lealiberath Antonisia Lopes Costa.	800.00	
		9	1 part	O: Lealiberath Atoanesia Lepos Costa.	600.00	
				T: Satyawati Datta Bhandodkar.		
		11	1 part	O: Jose Matias Fernandes.	925.00	
				Other rights:-		
				1. House owned by Morto Govind Vernekar.		
				2. Caitano D'Souza.		
				3. Molu Anto Kalangutkar.		
			2 part	O: Joao Josa D'Souza.	287.00	
		3 part	O: Joao Antonio D'Souza.	75.00		
			8 part	O: Raman Balchandra Rivonkar.	6.00	
				2: Suresh Pundalic Rivonkar.		
				3: Naresh Pundlic Rivonkar.		
				4: Naguesh Pundlic Rivonkar.		
				5: Shamba Sabin Rivonkar.		
				6: Baburao Babli Rivonkar.		
	7: Yeshwant Babli Rivonkar.					
		8: Rajendra Babli Rivonkar.				
	9 part	O: Vishnu Balkrishna Rivonkar.	18.00			
10 part	O: Anant Mahadev Rivonkar.	30.00				
		O: Damaciano Simaos.	150.00			
4	1 part	O: Damodar Anant Shanvi Bhobe.	185.00			
	2 part	2: Suhraya Sinai Bhobe.				
		3: Venkatesh Bhagwant Bhobe.				
Total					7604.00	

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 22nd August, 1985.

Notification

No. 22/114/84/RD

Whereas by Government Notification No. 22/114/84-RD dated 14-6-84 published on page 278 & 279 of Series II, No. 15 of the Official Gazette, dated 12-7-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. construction of Dabem Road in V. P. Fatorda, Taluka Quepem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Deputy Collector (2-South), Margao to perform the functions of a Collector for all proceedings to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Deputy Collector (2-South), Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.		
1	2	3	4	5	6		
Quepem	Fatorpa	66 part	—	1. Shevato S. Sawant Dessai. 2. Vithal S. H. Dessai. 3. Antonio Colaco. 4. Ezolina Colaco. 5. Shankar Fatorpekar.	850.00		
		65 part	—	1. Fondo Y. H. Dessai. 2. Ricardina Colaco. 3. Forhand Colaco. 4. Comunidade of Fatorpa.	325.00		
		62	1 part	1. Comunidade of Fatorpa. 2. Fondu Zulpo H. Dessai. 3. Kusta Shankaro H. Dessai. 4. Vithoba Shankar H. Dessai. 5. Madu Voiru H. Dessai. 6. Dharmu Cithol H. Dessai.	950.00		
		62	2 part	1. Ricardina Colaco. 2. Fernando Colaco.	2200.00		
		63 part	—	1. Comunidade of Fatorpa.	480.00		
		64 part	—	1. Comunidade of Fatorpa.	6150.00		
		19 part	—	Forest Department.	580.00		
		18	7 part	Remedio Minguel Colaco.	180.00		
		18	8 part	Shri Mallicarjuna Temple (Property).	295.00		
		20	2 part	1. Kusta H. Dessai, 2. Kushali Soru H. Dessai. 3. Phondur Zulpo H. Dessai,	535.00		
Quepem	Morpila		3 part	1. Comunidade of Fatorpa.	5810.00		
		8	1 part	1. Fondu Purso Vellip. 2. Nagu Damu Vellip.	1160.00		
		8	2 part	1. Irwin Barros. 2. Nagu Damu Vellip.	150.00		
		8	4 part	1. Babuso Shanu Vellip. 2. Zive Sukde Vellip. 3. Fondu Purso Vellip. 4. Nagu Damu Vellip. 5. Chimut Nagu Vellip. 6. Vithoba Paik Gaonkar. 7. Koiro Salkar Vellip. 8. Irwin Barros.	1570.00		
		8	6 part	Comunidade of Balli. T: Babji Govind Gauns Dessai. Babusso S. Vellip.	450.00		
		93	1 part	Vithaldas Yeshwant Poi Cacodo.	100.00		
			3 part	Vithaldas Yeshwant Poi Cacodo.	1240.00		
		90	2 part	Irwin Barros. T: Eiyat Govind Vellip.	108.00		
		Total					23133.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 7th August, 1985.

Notification
No. 22/253/84-RD

Whereas by Government Notification No. 22/253/84-RD dated 4-1-85 published on page 805 of Series II, No. 45 of the Official Gazette, dated 7-2-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. L. A. for sewage pumping station No. 6 and 700 mm dia. rising main in leading to sewage treatment plant, Baina, Vasco-da-Gama under Vasco sewage scheme.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A

of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector, H. Q. 2, Collectorate of Goa, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector, HQ-2, Collectorate of Goa, Panaji till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Taluka	City	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Mormugao	Vasco	152	241 part	Antonio Joaquim B. Rex Rodrigues.	46.00
			245 part	Arminia B. Furtado.	558.00
		155	1 part	1. Yesso Shridhar Poi. 2. Dr. Raghuvir S. Poi. 3. Chinabai R. Poi. 4. Smt. Suhasinibai Ramchandra Poi.	240.00
			4 part	Palikar Pereira.	69.00
			7 part	Paulo Antonio Jose Andre Rodrigues.	55.00
			9 part	P. A. Godinho.	60.00
			13 part	Mrs. Dramila Coelho.	60.00
			21 part	Joao H. Jose Nepociano Coelho.	100.00
			25 part	Lizeth Pereira e Fernandes.	114.00
			30 part	Cosme Araujo.	137.00
		172	1 part	Sequita Mendes.	56.00
			2 part	Zamira Gonsalves e Fernandes.	6.00
			7 part	Maria a Lizerta Piedade Pereira.	401.00
			81 part	Shaikh Inas Shaikh Adam.	8.00
			88 part	Abdul Aziz Shaikh Abdul Latif.	93.00
			85 part	Shaikh Imbrallim Shaikh Adam.	18.00
			113 part	Judith Francisco Pereira e Gomes.	125.00
		175	1 part	Placiano Almeida.	154.00
			2 part	Vassant Joshi.	504.00
Total					2804.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 22nd August, 1985.

Notification
No. 22/20/85-RD

Whereas by Government Notification No. 22/20/85-RD dated 16-2-85 published on page 920 of Series II, No. 52 of the Official Gazette, dated 28-3-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for allotment of house site at Pernem under 20 point programme.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector, Goa North Division, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector, Goa North Division, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Plot No	Survey No.	Name of the person believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Pernem	Pernem	—	407/7	Raghuraj Vassudev Deshpabhu, Pernem-Goa.	5533.00
Boundaries:					
North: Road.					
South: S. No. 408.					
East: S. No. 407/1.					
West: S. No. 408/3, 5, 6, 11.					
Total					5533.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st August, 1985.

Office of the Collector of Goa

Order

No. 3/47/85-CAB (B I L)/2261

The Lt. Governor of Goa, Daman & Diu under the powers vested in him by Art. 18 of Devasthan Regulation is pleased to appoint the below named persons of the Special Committee to frame the draft Bye-Laws of Devasthan Shri 'Gopalkrishna' Mokhard, Canacona Goa.

Effective Members:

1. President: Shri Gopi Shivram Bhandari.
2. Treasurer: Shri Vishwanath S. Naik.
3. Attorney: Shri Devappa Babu Bhandari.
4. Secretary: Shri Ramesh Sukdo Bhandari.

Substitute Members:

1. President: Shri Subhash Kashinath Bhandari.
2. Treasurer: Shri Sudhakar Shiva Ashvelkar.
3. Attorney: Shri Abhay Nanda Khule.
4. Secretary: Shri Vilas Datta Naik.

The above Committee shall submit the draft Bye-Laws to the Govt. within a period of six months from the date of publication of this order in the Official Gazette. The procedure laid

down in the Art. 17 and 18 of the Devasthan Regulations as amended by the Legislative Diploma No. 1899 dated 29-5-1959 and the Govt. directions contained in the Revenue Department letter No. RD/END/116-71 dated 27-7-1971 are to be followed to frame Bye-Laws.

The above Committee is also entrusted with the Management of the said Devalaya until the Bye-Laws are approved and published.

S. Sinha, Collector and Director of Civil Administration.

Panaji, 20th August, 1985.

Corrigendum

No. 22/118/84-RD

Read: - Notification No. 22/118/84-RD dated 25-7-85 published in the Official Gazette dated 22-8-85, Series II, No. 21 page 355.

The word "Additional Deputy Collector, Goa North Division Panaji" appearing in the second and third para of the above notification may be read as "Additional Deputy Collector, I-North Panaji".

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 30th August, 1985.

Industries and Labour Department

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 21st August, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/15/82

1. Shri Satish P. Gaonkar — Workman/Party I

V/s.

1. M/s. Goa Sintered Products Private Limited — Employer/Party II

Workman/Party I represented by Shri K. V. Nadkarni, Labour Consultant.

Employer/Party II represented by Shri B. G. Kamat, Labour Advisor.

Panaji. Dated: 26-7-1985.

AWARD

This is a reference made by the Government of Goa, Daman and Diu, to this Tribunal by its Order No. 28/30/81-ILD dated 27th March, 1982, for the adjudication of an industrial dispute between the above parties:

The schedule annexed to the order of reference reads as follows:

"Whether the action of the employer of M/s. Goa Sintered Products Pvt. Ltd., Curtorim Goa in terminating the services of Shri Satish P. Gaonkar, Clerk-cum-Typist with effect from 20-7-1981 is legal and justified?

If not, to what relief the workman is entitled to?"

2. In his statement of claim, the workman/Party I has stated that he was in the employment of the employer/Party II from 15-1-1980 as Clerk-cum-Typist but was given appointment letter from 1-7-1980; on 20-7-1981, the Mg. Director of the Company, Shri Anil G. Lotlikar did not allow the workman to attend to his duties on the ground that his services were terminated; no notice of termination or compensation was given to him; by registered letter with A/D of the same date, the workman invited the attention of the Mg. Director to the illegality of his decision and gave him one week's time to allow the workman to resume his duties, but as there was no reply, the matter was put before the Assistant Labour Commissioner. The Assistant Labour Commissioner called the Mg. Director on several occasions, but he did not respond to a single time and hence a failure report was filed before the Government, which gave rise to this reference by the Government. He has prayed that he be reinstated with continuity of services and full back wages.

3. The case of the employer, as per his written statement, is that the workman was appointed as Clerk-cum-Typist from 15-1-1980 and confirmed from 7-1-1980; as this post was subsequently found redundant, the services of the workman were terminated by way of retrenchment w.e.f. 21-7-1981 and the post abolished; the termination order was served on the workman on 18-7-1981 in the afternoon period during working hours in the factory office along with final settlement of his dues in cash consisting of retrenchment compensation, notice pay, wages upto 20th July 1981 and other dues; the workman refused to accept the termination letter and the cash payment offered to him and left the office. The termination order, which was displayed on the notice board of the factory, was removed by the workman on 20-7-1981; the employer has denied that, on 20-7-1981, he did not allow the workman to attend to his duties and at the same time added that there was hardly any need to allow him to attend his duties on the 20th as he was already offered in cash all his dues on the 18th.

4. In his rejoinder, the workman admitted that in fact he was employed from 15-1-1980 and confirmed from 1-7-1980; the workman submits that, in January 1981, the employer's factory was inspected by the Labour Inspector and found that there were no Standing Orders applicable to the establishment, as per the provisions of law and so the employer was directed to send them the draft of the Standing Orders for approval and also suggested to form a Committee of the members of the workers to make suggestions and amendments to the draft; the name of the workman was among these members of the committee. Subsequently, the workman received a notice dated 28-5-1981 from the Certifying Officer alongwith a copy of the draft standing orders submitted by the company, calling for comments/suggestions on behalf of the employees; after discussing among the employees, some suggestions were proposed to the draft Standing Orders submitted by the company for certification. On 20-7-1981, when the workman, as usual, came to report for duty, he was stopped at the gate by the Security Guard, as per the instructions of the employer, as stated earlier. The workman was at the gate for sometime, where some other workers also joined him. When the Director, Anil Lotlikar, arrived sometime after, the workman contacted him outside the gate and the reasons given by Mr. Lotlikar were that the services of the workman were no more required and saying this, he speedily went away. The workman also was asked by the Security Guard to go away. It is submitted that the employer failed to comply with the provisions of 25F and 25G of the I.D.A., 1947, hereinafter called the Act.

5. Following issues were framed by the Tribunal:

"Besides the issues involved in the Order of Reference, the following additional issue is hereby framed:

Whether the employer proves that the retrenchment of the workman is bonafide and has been carried out with

due compliance of the provisions of law, namely Section 25F of the I.D.A., 1947?"

6. The evidence led by the parties on the above issues consists of the statement of Shri Anil Lotlikar, Mg. Director, Suriya M. Shirodkar, Prakash, Chari, all for the employer, and Shri Satish Gaonkar, Chillay Naik and Agnelo Menezes, these for the workman.

7. The employer, Shri Anil Lotlikar, in his statement before the Tribunal has stated that, on 18-7-1981, he called the workman in his cabin and informed him about his intention to terminate his services w.e.f. 21st of the same month and issued him a letter for this purpose (Exh E-2). This letter was in duplicate but the workman refused to accept it and sign the duplicate as asked for. Alongwith the letter, he was also offered Rs. 310/- as notice pay, Rs. 310/- of his wages upto 20-7-1981 and leave wages. The complete amount was offered to him in the presence of Mr. Shirodkar and Prakash, employees of the company, but the workman refused to accept the same. In view of this refusal, (Exh E-2) was displayed on the notice board on the same day. On 20th July, the workman came to the factory but the watchman was instructed to prohibit his entry because of the termination of his services; at that time, he removed the letter from the notice board; the watchman on duty informed the employer about this fact.

In justification of the abolition of the workman's post, the employer has stated that from December 1980 there was no sufficient work for the post of Clerk-cum-Typist, and, he started giving the workman miscellaneous work like petty purchases and visiting his suppliers but he found that the workman also was not suitable for that work and, therefore, he called the workman in his cabin and informed him about the decision to terminate his services, as stated above. Alongwith the workman, the services of one Mr. Bal Subramaniya and Mr. Jairaj were also terminated by the Company. The company was employing more than 20 workers somewhere in 1979 and at that time, the company's Standing Orders were submitted to the Labour Commissioner's Office on 12-11-1979. Exh E-3 is the letter of submission of the draft Standing Orders to the Certifying Officer. Somewhere in October 1980, discussions were held in the office of the Labour Commissioner for the approval of the draft Standing Orders. The workman Ramdas Govenkar and Vilas, elected as workmen's representative, were present. For the work of Steno/Typist, the company sent Mrs. Ursula and one Patkar who was working as a Clerk in 1979; there were some changes regarding the staff in 1980; no one was appointed in the workman's place as Clerk-cum-Typist after the termination of his services.

In his cross: He has stated that the company was a small unit and the responsibilities were divided; in the letter of termination Exh E-2, he has not used the word "retrenchment." In his presence, the letter Exh W-2 was delivered to the workman in the evening of 18th July, between 4 p.m. to 5 p.m., alongwith necessary compensation, wages, etc.; the letter was in duplicate; he does not remember whether he got the refusal of the workman recorded. When the attention of the witness was called to the portion of the letter Exh E-2 wherein it is mentioned that you are advised to collect your final settlement dues in the office between 16th and 17th, which statement is contradictory with the version given by the witness stating that he was issued letter and offered cash covering notice pay, retrenchment compensation and other dues; the witness replied that Shri Shirodkar was incharge of making the particular payment to the workman and, since he was in his chamber at that particular time when the workman was offered the letter, the witness has stated that the workman was offered cash compensation etc. The witness has further stated that the workman was offered alongwith the letter, compensation in cash; he has denied the suggestion that the workman was not offered cash payment alongwith the letter in his chamber as such payment was to be made to the workman later on. He has denied that the workman contacted him outside the gate on 20-7-1981; he does not know the meaning of the word "Retrenchment"; he only said that the post was abolished as it was not required; that the company never published at any time the staff seniority list; he did not send any communication after the termination of the services of the workman; the instructions given to the watchman were that the workman should not be allowed to enter the office, because his services were terminated but, in case he wanted to collect his dues, the watchman had to inform the office and the workman would be paid his dues at the entrance; he does not remember when he came to the factory on 20-7-1981 and also whether he came to the factory on that day; the entire area of the

factory is fenced on all the sides with barbed wire, with a gate for entry. There is no watchman at the gate and the factory is inside the gate; the watchman is posted near the entrance of the building and it is near this entrance that the workman was prevented by the watchman. At the entrance, on the right side, there is a staircase leading to the 1st floor where the office is situated, there is a door giving access to the factory; the office is near the entrance, on the left side. When the workman was at the entrance near the watchman, he removed the notice from the notice board which lies on the left side. The notices on the notice board are fixed with pins; the watchman kept quiet when the workman removed the notice, because the notice was meant for the workman himself; he has denied the suggestion that the workman came to the factory on the 20th and that he did not remove the notice from the Board; he cannot say definitely whether the workman came to the factory on 20th July between 10.30 a.m. to 5.30 p.m.; 3 or 4 days before he was sent to Madurai to bring some raw material and might have returned on the 17th or 18th morning. What he can say is that, on the afternoon of 18th, the workman was there; the workman was temporarily handling the accounts 3 or 4 months prior to the termination of his services; although the letter of termination was given to the workman on the 18th, since the workman was paid upto 20th, he has declared in the letter that the services were terminated w.e.f. 21st.

8. Suriya Shirodkar, the employer's witness, has stated that he is working as Office Assistant since 12-5-1979. On 18-7-1981 the witness was called in the cabin of the Mg. Director Mr. Anil Lotlikar and given a typed notice to be served on the workman; the workman was called inside and given the notice in duplicate. The workman read the notice and told that he would think over it and tell later on; thereafter, he was given notice pay of about Rs. 310/-, compensation of Rs. 310/-, his salary upto 20th and some leave salary, but the workman refused to accept the amount. This took place between 4 to 5 p.m. on that day. The workman then left the place and did not turn up.

In his cross: He has stated that the Director called him in his cabin and gave the letter Exh E-2 to be delivered to the workman. At that time, one Prakash Kari was there. The witness had read the letter before giving it to the workman; he did not ask the workman to record in writing his refusal; after the refusal, he offered him the amount, which the workman also refused. Although in the letter Exh E-2 it was mentioned that he had to collect the cash from the office at a particular time, the witness had taken with him in a separate envelope the necessary cash. He has denied the suggestion that he never offered the cash to the workman. He has further denied that the workman was not in the office for the full day because he had gone to the Auditors in connection with Company's accounts.

9. The last witness of the employer is Prakash Kari, working as Sales Inspector since 1980. He has stated that he was present when the services of the workman were terminated on 18-7-1981; he was sitting in the cabin of the Mg. Director Shri Anil Lotlikar when the latter called Mr. Shirodkar inside and gave him some papers; thereafter, the workman was called in and told that his services were not required. Shirodkar was asked to serve the papers on the workman, but the latter, after going through them, refused to sign the duplicate, stating that he would think over the matter and let them know. Later, Shirodkar gave him payment which he refused to accept. This took place in the afternoon.

In his cross: He has stated that he remembers the date because that day they were discussing their sales programme; he did not read the termination letter; he knows that the workman was in the office on that day because both are working together; he does not know exactly where he was because he was sitting in the Director's cabin for nearly 3 hours in the afternoon of 18th and, occasionally, went out for 5 to 10 minutes. He does not remember the exact time when the workman was called in the cabin of the Director. He did not see the workman thereafter.

10. This is all the evidence of the employer.

The workman in his statement before the Tribunal has confirmed the facts stated by him in the statement of claim and added that he was also asked to look after the accounts work when the Accountant of the company left the job. On 20-7-1980, when he went to the factory at about 7.30 a.m., as usual, in order to practice cricket, he was told by the watchman at the gate that the instructions given by the Director were not to allow him to enter the factory. There

were other workers also who had come to practice but since the workman was not allowed to enter the gate, the others too remained out. The Mg. Director came at about 9.30 a.m. and then the workman and others contacted him and asked him as to why the workman was not allowed to enter the gate. His reply was that the services of the workman were terminated and the reasons would be explained to the workman's father. On the same day, he wrote a registered letter to the employer Exh W-2, for which there was no reply for 6 days. During this period the other workers were also agitating and staying away from work. The workman advised the workers to resume their duties and took up the matter with the Labour Commissioner. Conciliation Proceedings were taken up in the Labour Commissioner's office, but nobody from the employer's side remained present on any of the occasions, when the matter was fixed. Then, a failure report Exh W-3 was filed by the Labour Commissioner to the Government and, hence, this reference.

There was no Union in the Company at that time, but the Labour Commissioner had formed a committee for defending the interests of the workers in which the name of the workman was included as one of the members. On the same day his services were terminated i.e. on 20-7-1981, he has sent a registered letter with A/D putting before the Management the demands of the workmen (Exh W-4).

In his cross: He has stated that he does not remember whether he joined on 15th January or on 1st January. The letter Exh W-2 was posted by him directly on the same day while the letter Exh W-4 colly. was posted through one Pandurang. Both the letters were posted after the refusal to allow the workman to enter the factory. He has denied the suggestion that he came for work on the 18th July in the afternoon and that, between 4.00 to 5.00 p.m. he was called in the Mg. Director's chamber. He had further denied, for want of knowledge, whatever suggestions were put to him regarding what happened in the Director's cabin. Finally, he has denied that on 20th July 1981, the watchman told him that he could enter the factory only for the purpose of collecting the final dues and not for work and, that at that time, he entered the factory and removed the notice from the notice board.

11. The next witness of the workman is Chillaya Naik, also an employee of the company since 1979, at present working as Operator. He has stated that the workman, who was working as typist-cum-clerk, in June 1981 was working as Accountant. He was removed from 20th July 1981. He was sent to Madurai by the Company on 8-7-1981 from where he returned on the 17th afternoon. On 18th he was on duty and, at about 10.30 a.m., he left the factory and did not return till 5.30 p.m. On the 20th, when he came as usual to play at about 7.00 a.m., he was stopped by the watchman on duty, stating that the employer had instructed him not to allow the workman to enter the factory. So, the workman, along with others, stood around the gate till the arrival of the employer, who came at around 9.30 a.m. When the employer was asked as to why the workman was not allowed to enter the factory, he replied that they had no right to question him and he will inform the reason to the workman's father, as he was employed at the request of the father. From that day, the staff went on strike for about a week in protest. When the workman was prevented from entering the factory, he was also not allowed to enter the gate. At that time, the notice board of the factory was inside the company. Unless somebody enters the gate, he could not get to the notice board and look at it since the same was inside the factory. He has the habit of looking at the notice board. He never saw on the notice board, during the week from 21-7-1981 the letter of termination of the workman.

In his cross: On 18th July, the witness was working in the first shift, i.e. from 8.00 a.m. to 4.00 p.m.; because the workman was preparing pay sheets and pay slips, he stated that he was working as Accountant from June 1981; on 18th July, when the workman came, about 20-25 workers were working; the workman only wished the witness and did not mention anything else. There are 3 shifts besides the general shift, and the timings are: 2nd shift from 4.00 p.m. to 12 midnight and the 3rd shift from 12 midnight upto 8.00 a.m. The General Shift is from 8.30 a.m. to 5.00 p.m. To know the position in the shifts, one has to look into the notice board. Usually, on Saturdays, notice is placed on the notice board for the work commencing on Monday. Shown a copy of the shift notice for the week beginning on 13th July, Exh E-4, his reply was that this copy, in which he is placed in the 2nd shift, is not correct because, in the original notice, he was in the 1st shift. On 18th July he was at his work place in the factory through

out from 8.00 a.m. to 4.00 p.m.; he does not know whether the workman was in the factory office on the 1st floor from about 5.30 on that day, because at that time he had already left the factory. He has denied that, on that day, he was in the 2nd shift and not in the 1st shift.

12. The last witness of the workman is Shri Agnelo Menezes, working as a Turner in the Employer's company from 1979. He has stated that on 20-6-1981 he was in the first shift from 8.00 a.m. to 4.00 p.m.; when he came to report for work, he saw the workmen and others standing outside the gate; he was informed that the watchman at the gate did not allow the workman to enter the factory and so they all stood outside the gate till the arrival of the Director Shri Lotlikar, who came at around 9.00 a.m. When inquired, the Director told that the explanation he would be giving only to the workman's father. All of them stood out for 6 days as in protest in support of the workman. Notice Board of the company is presently displayed outside the factory but, in the past, it was inside. To go to the notice board one has to go through two doors, one at the entrance and the other from the factory door. From outside one could not see the notice board. Shift changes are notified on the notice board and so one has to look into it. He never saw at any time any notice displayed on the notice board addressed to the workman.

In his cross: He was not present in the factory on 18-7-1981 and so he cannot say whether any notice was displayed on the notice board, on that day.

13. This is all the evidence on record.

It is an admitted fact that the workman in question was working for the employer, was confirmed in services and retrenched after putting in more than one year of service. It is also admitted that no previous notice of retrenchment was given to the workman but he was retrenched with immediate effect. According to the employer, the post was found redundant and, because of this, the same was abolished. It is not the case of the workman that there were other Jr. Employees holding same or similar posts who should have been retrenched in lieu of the workman. Being so, the breach of Rule 77 of the Central Government Rules which contemplates the publication of seniority list of the employees of each class for the purpose of retrenchment which publication, is admitted by the employer, has not been complied with, but this breach admitted by the employer has not caused any prejudicial effect in this case, as the workman has not pleaded that there were other workers junior to him who should have been retrenched instead.

14. Since the post has been abolished by the employer as redundant and no one else has been appointed in that place as per the employer's version, which is not denied by the workman, the employer's right to abolish the post which he finds redundant cannot be challenged. The employer is the proper person to decide on the number of employees who should work in his office and eliminate the posts which he finds redundant for better organisation and for the purpose of economy.

But was such retrenchment carried out by the employer bonafide?

Is it valid and made with due compliance of the provisions of law?

I shall deal first with the bonafideness of the retrenchment.

15. The employer, in his statement before the Tribunal, has stated that on 18-7-1981 he called the workman in his cabin and informed him of his intention to terminate his services w. e. f. 21st, which fact is denied by the workman. But, even assuming for the sake of arguments the fact as true, why was the employer in such a hurry to terminate the services of the workman and even to instruct the watchman to prohibit the entry of the workman in the factory because of the termination of his services? It is to be noted that the retrenchment order is with effect from 21-7-1981 and so the workman was entitled to come to the factory even on the 20th (Monday), although, according to the employer's version he was offered pay till the 20th. The ground alleged for retrenchment was only that the post was redundant and not any misconduct committed by the workman. Being so, he could have availed of the services of the workman during the one month's notice provided by the law, instead of offering to pay the workman in lieu of notice and immediately retrenching his services, which offer, other-

wise, is denied by the workman. Not only that: the instructions given to the watchman to prohibit the entry of the workman because of the termination of his services, as stated by the employer himself, suggest that there was some reason for which the employer did not want to retain the workman for more time in the factory.

16. In this context, the allegation of victimization made by the workman throws light on the reasons which prompted the employer to retrench the workman's services at the earliest. As per the employer's version, they have submitted the draft Standing Orders to the Labour Commissioner on 12-11-1980 for certification; 3 representatives of the employees, namely the workman, Ramdas Govenkar and Vilas Gurav were elected for this purpose. According to the workman's statement, as in the past, there was no Union, the above committee of 3 workmen in which he and 2 others were elected as workmen's representatives was formed for defending the interests of the workmen. On the same day when his services were terminated he had sent the letter Exh W-4 colly. by registered post with A/D to the Mg. Director putting before the Management various demands of the workmen. This letter, which is addressed to the Mg. Director of the Company Mr. Anil Lotlikar, is signed by the concerned workmen and copies endorsed to the Industry Minister, Office of the Labour Commissioner and The Factory Inspector. The concerned workman while signing the letter has mentioned below his signature "For Employees of Goa Sintered Products". The original typed date of the letter was 8-7-1981 which date was later corrected in ink to 20th. All this would show that the employer could not ignore the labour movement going on in his factory under the leadership of this workman and, hence, the hurry in getting rid of him even before the letter Exh W-4 reached his hands. (As per the A/D, the letter was received by the employer on 22-7-1981).

17. In view of all this, I am fully convinced that the real motive behind the retrenchment of the workman is because he was chosen by the workmen as their representative to defend their interests in the draft Rules which were to be certified by the Labour Commissioner and the workman had suggested many benefits on behalf of the workmen. This leads me to conclude that the retrenchment in question is not bonafide and cannot be justified, which would be sufficient to set aside the order of retrenchment passed by the employer. But there are pre conditions, namely the payment of notice of one month or pay in lieu thereof and the payment of retrenchment compensation which have not been complied with by the employer. Although the employer and all his witnesses, who are all his employees — and obviously could not stated against him in order to save their employment, — have stated that the workman was offered payment on the very moment alongwith retrenchment order on 18-7-1981. This statement cannot be accepted as true. First of all, the retrenchment order which is dated 18th clearly mentions that the workman can collect his pay, compensation etc., in the office. Why is it that the payment was offered in the cabin of the employer immediately, on that very moment, when the workman, according to the employer and his witness, refused to accept the letter and the money? and Why is it that, after the alleged refusal, the money was not sent to the workman by money order or bank draft to prove that, in fact, such offer was made and refused by the workman? All this, coupled with the fact that the employer systematically avoided to attend the conciliation proceedings going on in the Labour Commissioner's office would go to show that the employer did not know how to justify the termination order in question before that authority.

18. In the premises above and without further consideration which are not called for, I reply to this reference by passing the following order:

ORDER

The termination of the services of the workman by the employer w. e. f. 20-7-1981 is not legal and justified. Hence, it is set aside and the employer is directed to reinstate the workman with immediate effect with continuity of services and full back wages. Costs of Rs. 500/- to be paid by the employer to the workman.

(Dr. Renato de Noronha)
Presiding Officer
Industrial Tribunal

Notification

No. 25/11/79-ILD

In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 read with section 9 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Administrator of Goa, Daman and Diu hereby amends the Government Notification No. 25/11/79-ILD (ii) dated 2-6-1984, published in the Official Gazette, Series II, No. 15, dated 12th July,

1984 (hereinafter referred to as the "principal Notification") as follows, namely: —

In the principal Notification, in item 3 of the Terms of Reference, for the word "eleven", the word "seventeen" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 4th September, 1985.